

REMARKS

Reconsideration and further examination of the above-identified application are respectfully requested in view of the RCE submitted herewith and in view of the accompanying amendments, and the discussion that follows. Claims 1-30 are pending in this application. Claims 1-2, 4-5, 7-9, 13, 14, 16, 17, 20, 21, 23, 25, 26, and 28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,724,887 to Eilbacker et al. (“Eilbacker”) in view of Piolat, et al. (“Piolat”). Claims 3, 10, 15, 19, 22, 24, 27, and 29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Eilbacker and Piolat further in view of Ulrich (U.S. Pat. No. 6,895,438) and claim 6 has similarly been rejected as being unpatentable over Eilbacker and Piolat further in view of Armstrong (U.S. Pat. No. 6,355,633). Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Eilbacker and Piolat in view of U.S. Pat. No. 5,621,789 to McCalmont et al. (“McCalmont”) and claim 12 has been similarly rejected over Eilbacker, Piolat, and McCalmont further in view of Ulrich. Claims 18 and 30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Eilbacker and Piolat further in view of Ichbiah (U.S. Pat. No. 5,623,406). Claims 1, 4, 13, and 25 have been amended. After a careful review of the claims and references, it is believed that the claims are now in allowable form and a Notice of Allowance is respectfully requested.

All independent claims 1, 13, and 25, as well as dependent claims 2, 4, 5, 7-9, 14, 16, 17, 20, 21, 23, 26, and 28 have been rejected as obvious over Eilbacher in view Piolat. Eilbacher is directed to a call center which records and analyzes parameters of telephone calls to determine the customer experience. Eilbacher, however, does not deal with the effective effort of data communications. As described in the instant patent application (at p. 10, lines 1-12 and 22-32), merely measuring time of use of the channel for telephone calls is known but asynchronous transactions are dramatically different because of the nature of the transaction. As described by applicant (p. 10, lines 12-21) asynchronous transactions are data transactions that are for the most part intermittent and in which the data is created first and then transmitted afterward. Thus, it is difficult to determine how long the transaction actually required because the transaction may include exchanges over hours or days while the actual transactions (which may be the result of much effort in, for example, drafting an e-mail) take only very short periods of time (e.g., milliseconds) with long delays in between. Eilbacher does not recognize or address this issue at

all.

Independent claims 1, 13, and 25 recite measuring “...an effort value which reflects effective effort to respond to each transmission within each transaction and have been amended to call for determining and displaying a total effort value for each transaction (see e.g., p. 13, lines 15-23). The Office Action concedes that Eilbacher does not teach an effort value which reflects effort associated with each transmission but argues that Piolat in the abstract and on pages 1-2 discloses measuring an effort value that represents effective effort allocated to writing... “calculated to reflect time to evaluate and prepare writing and should be independent of total duration of actual transaction channel occupancy.” However, Piolat merely describes a computer-assisted tool for research to measure time and cognitive effort for subprocesses of writing including reaction time for reacting to an auditory signal (i.e., time to detect the signal and say stop) and directed retrospection (i.e., identify the process in which they were engaged when they perceived the auditory signal) (Piolat, p. 2, first full paragraph). However, Piolat does not teach or suggest determining an effort for evaluating a transaction transmission and responding. It is completely unrelated to the claimed method of completing performance reports for agents in a call center. Therefore, Piolat’s measurement of the effort allocated to subprocesses of writing is unrelated to the claimed effort value. Further, Piolat’s measurement tool is unrelated to the call center art of the invention and of Eilbacher. The claimed invention instead concerns a measure of the effort needed for a call center agent to respond to a received message which includes evaluating, and preparing a reply such as an e-mail. Piolat does not concern these issues. Further, Piolat also does not teach a value that represents effort to respond to each transmission within each transaction as claimed.

Thus, Eilbacher and Piolat and the other references of record do not disclose the claimed effort value feature or that it represents effort to respond to each transmission within each transaction, and therefore independent claim 1, 13, and 25 are distinguishable over the combination as are claims 2-12, 14-24, and 26-30 which depend therefrom. In addition, Eilbacher and Piolat cannot properly be combined because Piolat is unrelated to the call center art of Eilbacher and does not concern effort to respond to transmissions within a transaction. There is no teaching or suggestion in either reference to measure and compile an effort associated with handling asynchronous transactions within a call center, as claimed. The references also do not disclose determining and displaying a total effort value based on the effort

values, as claimed. Thus, all rejected claims 1-30 are allowable over all of the cited references.

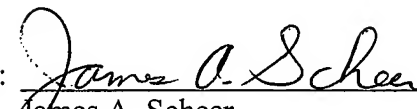
Claims 4 and 16 have been rejected as obvious over Eilbacher in view of Piolat. Claims 4 and 16 both recite counting of the “number of exchanges between the agent and the client.” The Office Action asserts that Eilbacher teaches counting the number of exchanges at Col. 10, lines 4-17. However, Eilbacher merely refers to recording “interaction during the call” which refers to the fact that the single call is recorded along with transfers and holds. (Col. 10, lines 13-18). The cradle to grave term is defined by Eilbacher to refer to the fact that the call is recorded from the time it enters the contact center and the time the caller hangs up. Thus, this is clearly a single synchronous call, not a series of asynchronous exchanges and there is no description or suggestion of counting any such synchronous exchanges (since it is one contiguous call). In fact, there is no mention of counting at all. Thus, Eilbacher does not disclose the claimed “counting” of asynchronous exchanges. This counting feature is also not disclosed by any of the other cited references. Thus, claims 4 and 16 are further distinguishable over all the cited references and are therefore allowable over all the cited references.

Claim 11 has been rejected as obvious over Eilbacher, Piolat, and McCalmont. The Office Action asserts that McCalmont displays a total effort in real time in Fig. 6. However, as described in Col. 6, line 61-Col. 7, line 13, Fig. 5b only shows the number of inbound calls 102; target number of calls 104; average talk time 108, target level 110; average wrap up time and target 112, 114; similar outbound statistics and target 116, 118; and idle time statistics and targets 120, 122. There is no disclosure of a total effort value. Thus, claim 11 is further distinguishable as well.

As discussed above, claims 1-30 are directed to statutory subject matter and are not anticipated or rendered obvious by any combination of the cited references. Therefore, allowance of claims 1-30 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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